

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JIMMY LONG, # 1898990

Plaintiff

v.

**PAMELA K. WAGNER and PATIENCE
T. CAIN, Medical Practitioners,**

Defendants

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CIVIL NO. SA-19-CV-570-FB(ESC)

ORDER

Before the Court is *pro se* Plaintiff's Application to Proceed *in Forma Pauperis* ("IFP") [#4] in his prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is currently incarcerated at the Estelle Unit Correctional Institution ("EUCI") in Huntsville, Texas. After review of Plaintiff's IFP application, the Court has determined his request to proceed IFP [#4] is **GRANTED**. The Plaintiff's Complaint [#1] is accepted for filing without prepayment of fees, costs, or security.

The United States Clerk of Court ("the U.S. Clerk") is directed to mail a copy of this Order to the Custodian of the EUCI Detainee Trust Fund, 264 FM-3478, Huntsville, Texas 77320.

Even though Plaintiff is not required to prepay his filing fees, a prisoner who brings a civil lawsuit IFP is subject to paying an initial partial filing fee, and thereafter, monthly payments until the total \$350.00 filing fee is paid in full.¹ These payments will be automatically processed by Plaintiff's custodial institution.

¹ The filing fee for any civil action, suit or proceeding is \$400.00. There is normally an administrative fee of \$50.00, however, when a prisoner is granted IFP status, the \$50.00 administrative fee is waived.

I. Initial Partial Filing Fee

The Court is required to “assess and, when funds exist, collect,” an initial partial filing fee of “20 percent of the greater of the average monthly deposits to the prisoner’s account; or the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint.” *See 28 U.S.C. § 1915(b)(1)(A)(B).*

In this case, the Court has assessed Plaintiff must pay an initial partial filing fee of **\$2.67**. EUCI must deduct this sum from Plaintiff’s institutional trust fund account and forward it to the U.S. Clerk of Court, 655 E. César E. Chávez Blvd., Room G65, San Antonio, Texas 78206, referencing the case number in the style of this Order. If these funds are not immediately available, EUCI must place a hold on Plaintiff’s account in the amount of **\$2.67** and forward the funds to the U.S. Clerk when available.

II. Remaining Filing Fee Monthly Deductions

“After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the U.S. Clerk each time the amount in the account exceeds \$10 until the filing fees are paid.” *28 U.S.C. § 1915(b)(2).*

SIGNED this 25th day of June, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE